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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
REAGAN, JAMES A	
ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/393,527	Applicant(s) HA ET AL.
	Examiner James A. Reagan	Art Unit 3621

-- The MAILING DATE f this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4-6 and 9-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2, 4-6, and 9-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment and response received on 13 December 2002.

2. Claims 4 and 12 have been amended (paper #11).

3. Claims 2, 4-6, and 9-15 have been examined.

4. The rejections of claims 2, 4-6, and 9-15 are unchanged.

Finality of the Previous Office Action

5. The finality of the previous Office action is withdrawn. The Examiner thanks the Applicant for pointing out that independent claims 2 and 4 were not amended, and therefore the newly applied art required a non-final office action. Therefore, the status of the previous office action is hereby changed to a non-final, and this Office action is final.

Previous Claim Rejections - 35 USC § 112

6. The previous rejections of claim 4 and 12 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is withdrawn. The examiner thanks the Applicant for correcting the minor informalities in the claim language.

Response to Arguments

7. Applicant's arguments received on 13 December 2002 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

8. Applicant argues the rejection fails to cite any reference to support the rejection with regard to the inclusion of Windows XP and AUTOCAD. However, Windows XP and AUTOCAD were included merely as evidence in support of the Yamagishi/Spitzenberger/Oshima combination. As described in the previous Office action and reprinted below, Windows XP was used as an example of the distribution of similar discs but with different software ID numbers. AUTOCAD was used as an example of a large program contained on multiple discs with different disc ID numbers. These two examples were used as supporting evidence because of their well-known disc configuration in the computer arts.

With regard to Applicant's assertion that the DID is not transferred, and that Yamagishi does not teach a non-transferable DID nor the subcode

preventing the transfer, Examiner respectfully points to column 2, lines 23-35 of Yamagishi, and to column 2, lines 20-27 of Spitzenberger, and also to the previous Office action, wherein these passages were combined for the rejection of claims 2 and 10 under 35 U.S.C 103 (a).

With regard to Applicant's argument that the DID is common to a number of other discs, and its SID is unique for each disc, please refer to the previous Office action, paragraph 13, wherein the Examiner discusses the old and well-known use of unique as applied to the combination of Yamagishi/Spitzenberger/Oshima and supported by Windows XP and AUTOCAD.

With regard to Applicant's assertion that Yamagishi, Spitzenberger, Oshima, and/or the combination of each teaches away from the claimed invention, it has been shown that each of the three references are analogous to the claimed invention, each with the similar goals and objectives regarding the prevention and theft of digital works on optical materials. As shown in the previous Office action, the combination of Yamagishi/Spitzenberger/Oshima discloses the Applicant's invention. In addition, although the Examiner realizes and understands that in most cases it is preferable to implement computer functions using a software solution rather than a hardware solution, the Examiner also understands and notes that various hardware elements and circuits are necessary components in a computer system. As the Applicant is probably aware, non-tangible code segments are in and of themselves non-statutory,

since they doe not produce a useful, concrete, and tangible result, which is not the case when the code is introduced to the necessary hardware components of a computer, and the state of the computer is changed by the software code to produce the useful, concrete, and tangible result. Therefore, although Yamagishi, Spitzenberger, and Oshima do disclose some hardware circuitry, they do not teach away from the claimed invention merely because some functions of the prior art rely on hardware to complete various tasks. Since hardware and software may perform equivalent functions, the choice between the two is merely a design choice.

Since it has been shown that the combination of Yamagishi/Spitzenberger/Oshima is proper, the rejections of claims 4-6, 9, and 11-15 are also proper.

9. The following is a **Final Rejection** of all claims and associated limitations pending in the current application as amended in paper #7.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 2, 4-6, and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (US 5,379,433) in view of Spitzenberger et al. (US 5,930,209) and further in view of Oshima (US 5,761,301).

Claims 2 and 10:

Yamagishi shows a hybrid optical recording disc with copy protection for use in a computer (column 2, line 1 – column 2, line 22; figure 2), the disc having a recording layer (column 1, line 13 – column 1, line 16; column 2, line 16 – column 2, line 22), a mastered read-only memory (ROM) area (column 1, line 13 – column 1, line 15), program tracks dedicated to contain computer software programs (column 2, line 16 – column 2, line 20), a recordable area for recording therein data generated by a computer user and for reading such recorded data from the recordable area to a computer (column 1, line 115 – column 1, line 16; column 2, line 20 – column 2, line 22); tracks of the ROM area includes at least one disc identifier containing disc identifier data embedded therein (column 2, line 12 – column 2, line 16) such that the disc identifier data will authenticate the installed disc addressing data and computer software programs for operation in

the computer from the hybrid optical recording disc (column 2, line 36 – column 2, line 56) but will not be transferred, thereby providing protection against copying the disc (column 2, line 23 – column 2, line 35); the program tracks of the ROM area include at least one program identifier track containing program identifier data embedded therein which identify the computer software programs (column 2, line 49 – column 2, line 63); the recordable area includes at least one software identifier track containing software identifier data recorded therein of the computer software programs which are included in the program tracks of the ROM area of the hybrid optical recording disc (column 2, line 49 – column 2, line 63).

Yamagishi does not explicitly show the disc has a substrate and the recording layer is disposed over the substrate, the substrate having the mastered read-only memory (ROM) area and the program tracks dedicated to contain computer software programs, and the substrate having the recordable area. However, as will be appreciated by one of ordinary skill in the art, an optical recording disc is well known in the art to be a disc composed of a substrate and a recording layer disposed over the substrate, the substrate having a mastered read-only memory (ROM) and program tracks dedicated to contain computer software programs, and the substrate having a recordable area.

Yamagishi still does not show the mastered read-only memory (ROM) area includes addressing tracks dedicated to contain disc addressing data which govern read and record processes to and from the computer; the addressing

tracks of the ROM area include the at least one disc identifier as a sub-code track. Spitzenberger et al. shows, in an analogous art related to software copy protection and optically readable discs on which digital data has been recorded, the mastered read-only memory (ROM) area includes addressing tracks dedicated to contain disc addressing data which govern read and record processes to and from the computer (column 2, line 10 – column 2, line 20); the addressing tracks of the ROM area include the at least one disc identifier as a sub-code track (column 2, line 20 – column 2, line 27). The addressing tracks of Spitzenberger et al. function in aiding software copy protection because the address values cannot be created using a standard optical recording apparatus (see Spitzenberger et al., column 2, line 18 – column 2, line 20) and thus cannot be recreated on an unauthorized copied disc. Additionally, by including the at least one disc identifier within the addressing tracks of Spitzenberger as a sub-code track the software copy protection system is further enhanced because the sub-code data cannot be controlled directly by a standard recording device (see Spitzenberger at al., column 2, line 25 – column 2, line 27) and thus cannot be manipulated or changed by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the at least one disc identifier within the addressing tracks of Spitzenberger et al. as a sub-code track in Yamagishi for the explicit reasons discussed herein above.

Furthermore, the combination of Yamagishi/Spitzenberger does not discloses unique and separate DID's and SID's. However, Oshima, in column

36, lines 7-18, discloses the old and well known use of separate Disc ID's and Software ID's. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the optical disc properties of Yamagishi/Spitzenberger with Oshima's use of SID's and DID's because assigning a separate identifier each to the discs and software ensures that only authorized and proper use of the software is permitted. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify he software and disc identification data to accommodate multiple discs and/or multiple software residing on the discs. Distributing similar discs with different software ID's permits wide distribution of programs each with a separate key, such as the Window's XP operating system discs. Although each disc is a duplicate, each copy of the software is unique in that it has a specific authorization key. The same line of reasoning may be applied to a large software program that requires multiple discs to contain, such as AUTOCAD. Where there is one application and multiple discs, the discs may have distinct numbers, but the software ID for the set is uniform throughout the disc set. Labeling the discs and software with unique identifiers is a common practice in the software arts, and is routinely modified to accommodate the needs of the manufacturer.

Claims 4 and 12:

Yamagishi shows in figures 1-4 and related text the recordable area of the hybrid optical recording disc includes a recordable program area for recording

therein data generated by a computer user and for reading such recorded data from the recordable program area to the computer (column 2, line 16 – column 2, line 22).

Claims 5 and 13:

Yamagishi shows in figures 1-4 and related text a method of providing a hybrid optical recording disc with copy protection for use in a computer, comprising the steps of: mastering a read-only memory (ROM) area and a recordable area on a disc so that the ROM area includes program tracks (column 1, line 13 – column 1, line 18; column 2, line 16 – column 2, line 20), the program tracks of the ROM area including at least one program identifier track containing program identifier data embedded therein which identify computer software programs contained in the ROM program tracks (column 2, line 12 – column 2, line 20; column 2, line 36 – column 2, line 63); an optical recording layer (column 1, line 13 – column 1, line 18); recording in a designated software identifier track of the recordable area a software identifier (column 2, line 12 – column 2, line 16), the software identifier recording step being implemented in correspondence with the software programs included in the program tracks of the disc's ROM area (column 2, line 49 – column 2, line 56), the software identifier also being provided to a computer user and corresponding to a hybrid optical recording disc having selected software program titles contained in the program tracks of the ROM area (column 2, line 49 – column 2, line 56).

Yamagishi fails to show the ROM area and recordable area are on a disc substrate; the ROM area includes addressing tracks, the addressing tracks including at least on disc identifier sub-code track for embedding therein authenticating disc identifier data which will not be transferred from the computer when installing the disc in the computer, thereby providing protection against copying the disc; coating the optical recording layer over the mastered disk substrate. However, Spitzenberger et al. shows in an analogous art related to software copy protection and optically readable discs on which digital data has been recorded, in figures 1-9 and related text, the addressing tracks including at least one disc identifier sub-code track for embedding therein authenticating disc identifier data which will not be transferred from the computer when installing the disc in the computer, thereby providing protection against copying the disc (column 2, line 10 – column 2, line 26). The addressing tracks of Spitzenberger cannot be created using a standard optical recording apparatus (see Spitzenberger et al., column 2, line 18 – column 2, line 20) and thus cannot be recreated on an unauthorized copied disc. Additionally, by embedding the at least one disc identifier within the addressing tracks of Spitzenberger as a sub-code track the software copy protection system is further enhanced because the sub-code data cannot be controlled directly by a standard recording device (see Spitzenberger at al., column 2, line 25 – column 2, line 27) and thus cannot be manipulated or changed by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the at least

one disc identifier within the addressing tracks of Spitzenberger et al. as a sub-code track in Yamagishi for the explicit reasons discussed herein above.

Yamagishi in view of Spitzenberger still fails to explicitly show the ROM area and recordable area are on a disc substrate; coating the optical recording layer over the mastered disk substrate. However, as will be appreciated by one of ordinary skill in the art, an optical recording disc is well known in the art to be a disc substrate having ROM and a recordable area; the disc having an optical recording layer coated over a mastered disc substrate.

Claims 6 and 15:

Yamagishi substantially shows the invention as claimed as applied to claim 2 above, but fails to show the disc identifier data are embedded in a disc identifier sub-code track within a lead-in area of the ROM area. Spitzenberger et al. shows in an analogous art related to software copy protection and optically readable discs on which digital data has been recorded, in figures 1-9 and related text, a the disc identifier data are embedded in a disc identifier sub-code track within a lead-in area of the ROM area (column 2, line 10 –column 2, line 27; column 2, line 45 – column 2, line 51). The lead-in area of Spitzenberger et al. functions in aiding software copy protection because the address values defining the lead-in area cannot be created using a standard optical recording apparatus (see Spitzenberger et al., column 2, line 18 – column 2, line 20) and thus cannot be recreated on an unauthorized copied disc. Additionally, by embedding the at least one disc identifier within the lead-in area of Spitzenberger as a sub-code

track the software copy protection system is further enhanced because the sub-code data cannot be controlled directly by a standard recording device (see Spitzenberger at al., column 2, line 25 – column 2, line 27) and thus cannot be manipulated or changed by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the at least one disc identifier within the lead-in area of Spitzenberger et al. as a sub-code track in Yamagishi for the explicit reasons discussed herein above.

Claim 9:

Yamagishi shows in figures 1-4 and related text a hybrid optical recording disc having copy protection for use in a computer (column 2, line 1 – column 2, line 22; figure 2) comprising: a read-only area having preformed information including at least one program and disc identifier data (column 1, line 13 – column 1, line 15; column 2, line 12 – column 2, line 20); a recordable area (column 2, line 15 – column 1, line 16; column 2, line 20 – column 2, line 22); the disc identifier data being adapted to authenticate a transferred program in the computer to permit the program to be operated on the computer (column 2, line 49 – column 2, line 63).

Furthermore, the combination of Yamagishi/Spitzenberger does not discloses unique and separate DID's and SID's. However, Oshima, in column 36, lines 7-18, discloses the old and well-known use of separate Disc ID's and Software ID's. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the optical disc properties of

Yamagishi/Spitzenberger with Oshima's use of SID's and DID's because assigning a separate identifier each to the discs and software ensures that only authorized and proper use of the software is permitted. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify he software and disc identification data to accommodate multiple discs and/or multiple software residing on the discs. Distributing similar discs with different software ID's permits wide distribution of programs each with a separate key, such as the Window's XP operating system discs. Although each disc is a duplicate, each copy of the software is unique in that it has a specific authorization key. The same line of reasoning may be applied to a large software program that requires multiple discs to contain, such as AUTOCAD. Where there is one application and multiple discs, the discs may have distinct numbers, but the software ID for the set is uniform throughout the disc set. Labeling the discs and software with unique identifiers is a common practice in the software arts, and is routinely modified to accommodate the needs of the manufacturer.

In addition, refer to the rejection of claims 2 and 10 above.

Claim 11:

Yamagishi shows in figures 1-4 and related text a hybrid optical recording disc with copy protection for use in a computer (column 2, line 1 – column 2, line 22; figure 2); the disc having a recording layer (column 1, line 13 – column 1, line 16; column 2, line 16 – column 2, line 22), a mastered read-only memory (ROM)

area (column 1, line 13 – column 1, line 15) and a recordable area for recording data generated by a computer user and for reading such recorded data form the disc to a computer (column 1, line 15 – column 1, line 16; column 2, line 20 – column 2, line 22); the ROM area includes disc identifier data embedded therein (column 2, line 12 – column 2, line 16), such disc identifier data authentication for computer operation (column 2, line 36 – column 2, line 63) but will not be transferred from the computer to thereby provide protection against copying the disc (column 2, line 23 – column 2, line 35); the program area of the ROM area contains program tracks dedicated to program data corresponding to computer software programs and such program data will be transferred to a memory device of a computer when installing the hybrid optical recording disc on the computer (column 1, line 16 – column 1, line 20); the program area of the ROM area includes at least one program identifier track containing program identifier data embedded therein which identify the computer software programs (column 2, line 49 – column 2, line 56); the recordable area of the disc includes at least one software identifier track in the recordable area, the software identifier track containing software identifier data recorded therein of the computer software programs which are included in the program tracks of the ROM area of the disc, such software identifier data being provided to a computer user, thereby enabling installation of the disc's software program data on a computer (column 2, line 49 – column 2, line 56).

Yamagishi fails to explicitly show the hybrid optical disc is a disc having a substrate and the recording layer is disposed over the substrate, the substrate having the mastered read-only memory (ROM) area and which is comprised of a lead-in area, a program area, and a lead-out area, and the substrate having the recordable area. However, as will be appreciated by one of ordinary skill in the art, an optical recording disc is well known in the art to be a disc having a substrate and a recording layer disposed over the substrate having a mastered read-only memory (ROM) area and the substrate having the recordable area.

Yamagishi still fails to show the mastered read-only memory (ROM) is comprised of a lead-in area, a program area, and a lead-out area; the lead-in area of the ROM area includes addressing tracks dedicated to disc addressing data which govern read and record processes to and from a computer, at least one of the addressing tracks being a disc identifier sub-code track containing the disc identifier data embedded therein; the lead-out area of the ROM area contains data instructing a computer of a termination of the ROM program area and data indicating a start of a new lead-in area associated with a recordable area of the hybrid optical recording disc. Spitzenberger et al. shows, in an analogous art related to software copy protection and optically readable discs on which digital data has been recorded, in figures 1-9 and related text, the read-only memory (ROM) area is comprised of a lead-in area, a program area, and a lead-out area (column 2, line 45 – column 2, line 51); the lead-in area of the ROM area includes addressing tracks (column 2, line 46 – column 2, line 51) dedicated

to disc addressing data which govern read and record processes to and from a computer (column 2, line 11 – column 2, line 20), at least one of the addressing tracks being a disc identifier sub-code track containing the disc identifier data embedded therein (column 2, line 21 – column 2, line 27); the lead-out area of the ROM area contains data instructing a computer of a termination of the ROM program area and data indicating a start of a new lead-in area associated with a recordable area of the hybrid optical recording disc (column 2, line 45 – column 2, line 51). The lead-in area, program area and lead-out area in conjunction with the addressing tracks of Spitzenberger et al. function in aiding software copy protection because the address values cannot be created using a standard optical recording apparatus (see Spitzenberger et al., column 2, line 18 – column 2, line 20) and thus cannot be recreated on an unauthorized copied disc. Additionally, by including the at least one disc identifier within the addressing tracks of Spitzenberger as a sub-code track the software copy protection system is further enhanced because the sub-code data cannot be controlled directly by a standard recording device (see Spitzenberger at al., column 2, line 25 – column 2, line 27) and thus cannot be manipulated or changed by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the lead-in area, program area and lead out area of Spitzenberger and the at least one disc identifier within the addressing tracks of Spitzenberger et al. as a sub-code track in Yamagishi for the explicit reasons discussed herein above.

Furthermore, the combination of Yamagishi/Spitzenberger does not discloses unique and separate DID's and SID's. However, Oshima, in column 36, lines 7-18, discloses the old and well-known use of separate Disc ID's and Software ID's. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the optical disc properties of Yamagishi/Spitzenberger with Oshima's use of SID's and DID's because assigning a separate identifier each to the discs and software ensures that only authorized and proper use of the software is permitted. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify he software and disc identification data to accommodate multiple discs and/or multiple software residing on the discs. Distributing similar discs with different software ID's permits wide distribution of programs each with a separate key, such as the Window's XP operating system discs. Although each disc is a duplicate, each copy of the software is unique in that it has a specific authorization key. The same line of reasoning may be applied to a large software program that requires multiple discs to contain, such as AUTOCAD. Where there is one application and multiple discs, the discs may have distinct numbers, but the software ID for the set is uniform throughout the disc set. Labeling the discs and software with unique identifiers is a common practice in the software arts, and is routinely modified to accommodate the needs of the manufacturer.

Claim 14:

The combination of Yamagishi/Spitzenberger does not discloses unique and separate DID's and SID's. However, Oshima, in column 36, lines 7-18, discloses the old and well-known use of separate Disc ID's and Software ID's. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the optical disc properties of Yamagishi/Spitzenberger with Oshima's use of SID's and DID's because assigning a separate identifier each to the discs and software ensures that only authorized and proper use of the software is permitted. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify he software and disc identification data to accommodate multiple discs and/or multiple software residing on the discs. Distributing similar discs with different software ID's permits wide distribution of programs each with a separate key, such as the Window's XP operating system discs. Although each disc is a duplicate, each copy of the software is unique in that it has a specific authorization key. The same line of reasoning may be applied to a large software program that requires multiple discs to contain, such as AUTOCAD. Where there is one application and multiple discs, the discs may have distinct numbers, but the software ID for the set is uniform throughout the disc set. Labeling the discs and software with unique identifiers is a common practice in the software arts, and is routinely modified to accommodate the needs of the manufacturer.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231
or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR

13 January 2003

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600